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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/672,160   | 09/26/2003  | Bruce Teicher        | PHCZ 2 00049        | 8097             |
| 27885  | 7590        | 07/17/2006           | EXAMINER            |                  |
| FAY, SHARPE, FAGAN, MINNICH & MCKEE, LLP<br>1100 SUPERIOR AVENUE, SEVENTH FLOOR<br>CLEVELAND, OH 44114 |             |                      | MAI, TRI M          |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3727                |                  |

DATE MAILED: 07/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/672,160

Applicant(s)

TEICHER, BRUCE

Examiner

Tri M. Mai

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 8,13-15,18,20,22 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-12,16,17,19 and 21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 2/12/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

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1. Claims 8, 13-15, 18, 20, 22, 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention as previously set forth.
2. Claim 16, 17, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Blackwelder (5803266). Blackwelder teaches a case having a body, a closure, a panel comprising hook and loop locate on the outer surface (note portion 40), and first overlay having front and back side including a hook and loop material on the back side.
3. Claim 16, 17, 19, and 21 are rejected under 35 U.S.C. 102(b) as being anticipated by Marcolini, Jr. (5845334). Marcolini, Jr. teaches a case having a body, a closure, a panel comprising hook and loop locate on the outer surface (note portions 19, 20 in Figs. 5-6), and first overlay having front and back side including a hook and loop material on the back side.
4. Claim 7, 9, 16, 17, 19, and 21, are rejected under 35 U.S.C. 102(b) as being anticipated by Kellin et al. (5136726). Kellin teaches a case having a body, a closure, a panel comprising hook and loop locate on the outer surface, and first overlay having front and back side including a hook and loop material on the back side.
5. Claims 1-7, 9-12, 16, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Udwin et al. (6106015) in view of Marolini, Jr. (5845334), or in the alternative, under 35 U.S.C. 103(a) as being unpatentable over Marolini, Jr. in view of Udwin. Udwin et al. teaches a case formed by a pair of clamshell members. Udwin meets all claimed limitations except for the patch outside. Marcolini, Jr. teaches that it is known in the art to provide a patch outside a case with the patch being indented into the exterior face (note the teaching in col. 3, ln. 40; col. 4, ln. 50). Note the claims 1 and 5 where claim 1 recites the material forming article defines a recessed portion and the hook and loop fastener is in the

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recessed portion. It would have been obvious to one of ordinary skill in the art to provide the patch as taught by Mrolini, Jr. to decorate the case.

In the alternative, it would have been obvious to one of ordinary skill in the art to provide the case of Udwin to provide an alternative case.

6. Claims 1-7, 9-12, 16, 17, 19, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wishnia (2656870) in view of Blackwelder (5803266) or Taguchi (6519779). Wishnia teaches a case having outer enclosure defined by a pair of clam-shell member, a hinge, a closure member 14, 15, each of the clam-shell having an exterior surface, and at least one overlay cut within the perimeter of the shape of the exterior surface. Wishnia meets all claimed limitations except for the attachment being hook and loop fasteners. It would have been obvious to one of ordinary skill in the art to provide to provide hook and loop fastener as taught by either Blackwelder or Taguchi to provide the desired attachment for the decorative patch.

Regarding claim 6, it would have been obvious to one of ordinary skill in the art to provide to provide a circular patch to provide the desired shape for the decorative effects.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri M. Mai whose telephone number is (571)272-4541. The examiner can normally be reached on 7:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on (571)272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Tri M. Mai  
Primary Examiner  
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